

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE

IN RE:)
)
ROBERT W. MCLEAN,) CASE NO. 07-05054-GP3-7
)
Debtor,)
) *****
ROBERT H. WALDSCHMIDT,)
TRUSTEE)
Plaintiff)
vs.) ADV. NO. 308-0171A
BEVERLY BURGE, et. al.) Action to Avoid Fraudulent Conveyances
)
Defendants)
) *****
ROBERT H. WALDSCHMIDT,)
TRUSTEE)
Plaintiff)
vs.) ADV. NO. 308-0172A
J.F. CAFFEY, et. al.) Action to Avoid Fraudulent Conveyances
) to Avoid Preferential Transfers
Defendants)
) *****
ROBERT H. WALDSCHMIDT,)
TRUSTEE)
Plaintiff)
vs.) ADV. NO. 308-0173A
WAYNE ALLEN, et. al.) Action to Avoid Fraudulent Conveyances
) to Disallow and/or Subordinate Claims
Defendants)
) *****
ROBERT H. WALDSCHMIDT,)
TRUSTEE)
Plaintiff)
vs.) **Consolidated for Trial under**
SHARON CHEESEBREW, et. al.) **ADV. NO. 308-0175A**
) Action to Avoid Fraudulent Conveyances
) to Avoid Preferential Transfers
Defendants) to Disallow and/or Subordinate Claims
)

DESIGNATION OF EXPERT WITNESS

Comes now the Trustee for the Bankruptcy Estate of Robert W. McLean, and the Plaintiff in the above-captioned adversary proceedings, and designates the following Expert Witness, in these adversary proceedings, currently scheduled for trial to commence on November 4, 2009:

Jack F. Williams, JD, CIRA, CDBV
Managing Director, BDO Consulting, a Division of BDO Seidman, LLP
1100 Peachtree Street, Suite 700
Atlanta, Georgia 30309
404-979-7161 Fax: 404-668-1075
jwilliams@bdo.com

Mr. Williams could testify as a direct witness as part of the Trustee's initial proof, but is more likely expected to testify as a rebuttal witness, after the Defendants have presented any evidence relating to a "good faith, for value" defense.

Mr. Williams is qualified to testify concerning Ponzi schemes, how they work, how "investors" become involved in the scheme, and how investors can avoid being deceived by a Ponzi scheme perpetrator. He will also explain the various "red flags" which should become evident to anyone (the reasonably prudent investor) considering investing in a Ponzi scheme, and is expected to review the McLean Ponzi scheme and identify the "red flags" which were apparent to prospective "investors" in this case.

Mr. Williams is also qualified to testify concerning the rate of return promised to investors, and whether that rates of return exceeded reasonable rates in the general investment community.

Mr. Williams will be submitting a Report (including his qualifications), as required by the Pretrial Order, and will attempt to be as specific as possible concerning the McLean Ponzi scheme. However, since he is expected to be a rebuttal witness, and the Defendants have not yet testified, his Report may not be able to focus on individual Defendant's circumstances; his testimony at trial may go beyond the information in his Report, in order to respond to the proof presented by said Defendants at trial.

Mr. Williams is not being employed under §327, since he is not representing the trustee or the bankruptcy estate, but is merely testifying concerning his areas of expertise. He will be paid as a litigation expense by the bankruptcy estate. The Trustee has technically engaged the firm of BDO Seidman, LLP, where Jack Williams is a Director, to provide the Expert Witness services of Mr. Williams, and will be paying said firm at their normal hourly rates as follows:

<u>Position</u>	<u>Rate*</u>
Partners/Managing Directors	\$400 - 850
Directors/Sr. Managers	\$300 - 600
Manager	\$225 - 375
Senior	\$175 - 275
Staff	\$125 - 200

The billing rate for Jack Williams is \$675 per hour, and the rate for Susan Seabury, the person likely to lead this engagement, is \$395.

RESPECTFULLY SUBMITTED,

/s/ Robert H. Waldschmidt
ROBERT H. WALDSCHMIDT, #4657
Attorney for Trustee
HOWELL & FISHER, PLLC
300 James Robertson Parkway
Nashville, TN 37201-1107
615/244-3370; 615/259-2179 fax
rhwaldschmidt@aol.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Designation**, was served on the following parties:

Paul E. Jennings
805 Church Street
Murfreesboro, TN 37130

William L. Norton, III
Boult Cummings Conners & Berry
1600 Division Street, Suite 700
P.O. Box 340025
Nashville, TN 37203

William R. O'Bryan, Jr.
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1200 One Nashville Place
150 Fourth Avenue North
Nashville, TN 37219-2433

Ryan Cochran
Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700
P.O. Box 198966
Nashville, TN 37219-1760

by regular mail, postage prepaid, by placing the envelopes containing a copy of this document in the U.S. Mail, and to the US Trustee, and all parties requesting notice via the court's electronic filing system, on August 3, 2009.

/s/ Robert H. Waldschmidt
ROBERT H. WALDSCHMIDT